

1 JEFFREY N. LABOVITCH (NBN: 10915)
2 jlabolvitch@nicolaidesllp.com
3 NICOLAIDES FINK THORPE
4 MICHAELIDES SULLIVAN LLP
5 4250 Executive Square, Suite 540
La Jolla, CA 92037
Telephone: (858) 257-0700
Facsimile: (858) 257-0701

6 KEVIN E. HELM (NBN: 3432)
7 KevinH@helmandassociates.net
8 HELM & ASSOCIATES
9 2330 Paseo Del Prado, Suite C103
Las Vegas, NV 89102
Telephone: (702) 258-0022
Facsimile: (702) 258-0114

10 Attorneys for Defendants/Counterclaim and
11 Cross-Claim Plaintiffs GRANITE STATE INSURANCE
12 COMPANY AND NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA.

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 FOREMOST SIGNATURE INSURANCE
16 COMPANY, a Michigan corporation duly
17 licensed to sell and administer insurance
in The State of Nevada,

18 Plaintiff,
v.

19 GMUENDER ENGINEERING, LLC, a
20 Nevada limited liability company; JOSEF
C. GMUENDER and JANE DOE
21 GMUENDER, husband and wife; MARY
E. GMUENDER and JOHN DOE
22 MUENDER, husband and wife; WILLIAM
HUBER, parent and guardian of Ashley
Huber and Taylor Huber, individually and
23 as surviving children of Kelly Huber,
deceased; GRANBY REALTY
24 HOLDINGS, LLC, a Colorado limited
liability company; GRANITE STATE
25 INSURANCE COMPANY, an Illinois
corporation; NATIONAL UNION FIRE
26 INSURANCE COMPANY OF
PITTSBURGH PA, a Pennsylvania
27 corporation,

28 Defendants.

Case No. 3:19-cv-00508-MMD-LH

**JOINT STIPULATION OF
DISMISSAL, WITHOUT PREJUDICE**

JOINT STIPULATION OF DISMISSAL, WITHOUT PREJUDICE

IT IS HEREBY STIPULATED AND AGREED, pursuant to Fed. R. Civ. Pro. 41(a)(1)(A)(ii), by and between the undersigned attorneys of record for the parties having appeared in this lawsuit, including Plaintiff/Counterclaim Defendant, Foremost Signature Insurance Company (“Foremost”); Defendants/Counterclaim and Crossclaim Plaintiffs Granite State Insurance Company (“Granite State”) and National Union Fire Insurance Company of Pittsburgh, PA (“National Union”); and, Crossclaim Defendants, Gmuender Engineering, LLC and Josef C. Gmuender (collectively, “Gmuender”), which now hereby stipulate as follows:

1. The parties have reached a compromised resolution in the captioned lawsuit.

2. The compromise reached between Foremost, Granite State and National Union is memorialized in a written agreement entitled "SETTLEMENT AGREEMENT AND RELEASE." This Joint Stipulation of Dismissal without Prejudice is entered pursuant to, and in reliance upon, that Agreement.

3. All claims asserted by Foremost against Granite State and National Union are dismissed, *without prejudice*.

4. All counterclaims asserted by Granite State and National Union in the above captioned lawsuit against Foremost are dismissed, *without prejudice*.

5. All crossclaims asserted by Granite State and National Union in the above captioned lawsuit against Gmuender are dismissed, *without prejudice*.

6. All crossclaims asserted by Granite State and National Union in the above captioned lawsuit against non-appearing parties are also dismissed, *without prejudice*.

7. Pursuant to the foregoing and the December 7, 2020 Order entering judgment in favor of Foremost against Gmuender [ECF No. 68] all claims in this matter as between the appearing parties are now resolved and this matter may be administratively closed.

111

1 8. Each of the Parties hereto shall bear its own costs and attorneys' fees
2 incurred in the above captioned lawsuit.

3 Dated: December 14, 2020

4 By: /s/ Jeffrey N. Labovitch

5 Jeffrey N. Labovitch
6 jlabovitch@nicolaidesllp.com
7 NICOLAIDES FINK THORPE
8 MICHAELIDES SULLIVAN LLP
9 4250 Executive Square, Suite 540
10 La Jolla, CA 92037

11
12 Attorney Defendants/Counterclaim and
13 Cross-Claim Plaintiffs Granite State
14 Insurance Company and National Union
15 Fire Insurance Company of Pittsburgh, Pa.

16
17 Dated: December 14, 2020

18 By: /s/ Gena L. Sluga

19 Gena L. Sluga
20 CHRISTIAN, KRAVITZ, DICHTER,
21 JOHNSON & SLUGA, LLC
22 Attorney for Plaintiff Foremost Signature
23 Insurance

24
25 Dated: December 14, 2020

26 By: /s/ Mark D. Tokunaga

27 Mark D. Tokunaga
28 LAURIA TOKUNAGA GATES & LINN, LLP
29 Attorney for Defendants Gmuender
30 Engineering, LLC and Josef C. Gmuender

31
32 **Statement of Authority to File**

33 I attest that all signatories on this document and on whose behalf the filing is
34 submitted concur in the filing's content and have authorized the filing of this document.

35 Dated: December 14, 2020

36 By: /s/ Jeffrey N. Labovitch

37 Jeffrey N. Labovitch

ORDER

GOOD CAUSE SHOWN, IT IS SO ORDERED.

Dated: December 14, 2020

[Signature]

Chief U.S. District Judge Miranda M. Du